

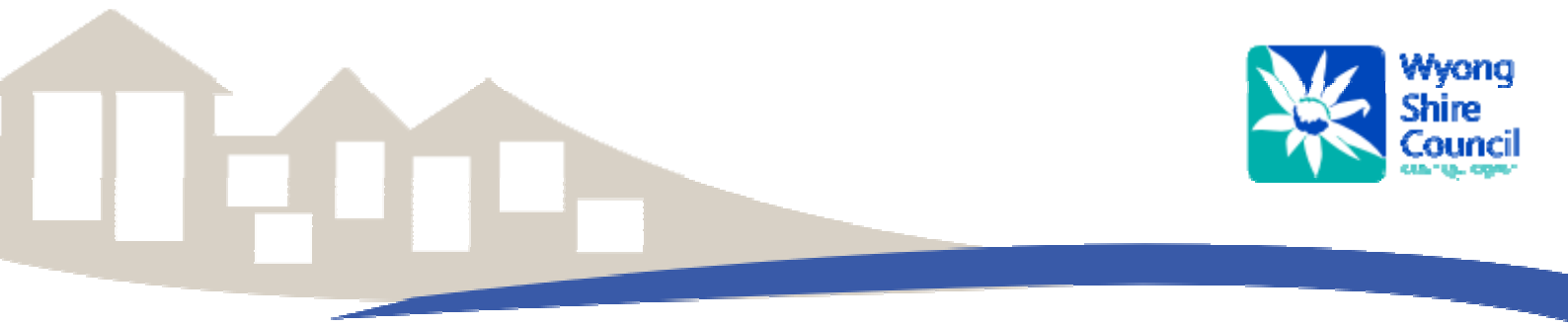


Wyong Shire Council

ORDINARY COUNCIL MEETING

ENCLOSURES

Wednesday, 27 February, 2013



WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 27 FEBRUARY 2013 ,
COMMENCING AT 5:00 PM

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alan avenue



96 Dudley Street, Gorokan 2263
 Phone: (02) 43925353 Fax: (02) 43923344
 www.jmcconstruction.com.au

PROPOSAL: PROPOSED DWELLING & GRANNY FLAT

CLIENT: J. MARSHALL

SITE: LOT 226 DP28076
 49 TINGIRA STREET,
 CHARMHAVEN

LOT AREA 576.20m²

NOTES:
 1 Builders shall check all dimensions, details and levels prior to commencement of erecting any materials.
 2 Dimensions shall be read in preference to scale.
 3 Architectural working drawings shall be read in conjunction with structural engineers details of which take preference in determining the structural adequacy of the building.
 4 The building shall be constructed in accordance with the B.C.A., relevant Australian Standards and any other governing bodies.

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SITE PLAN

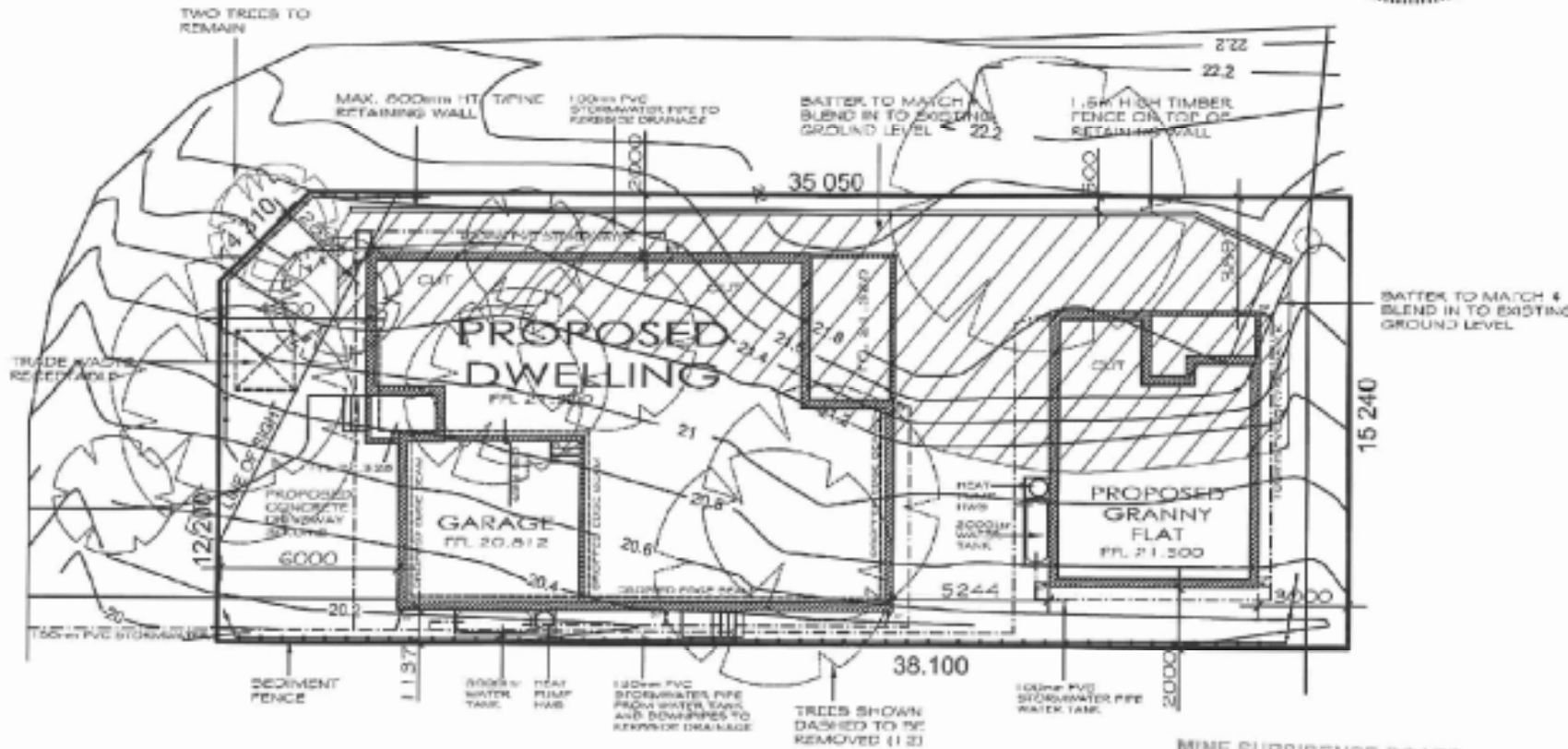
JOB NO: 1152 SHEET NO: 1/10

DATE: DECEMBER 2012

SCALE: 1:200

DRAWN: KC HALE

AMENDMENTS:	

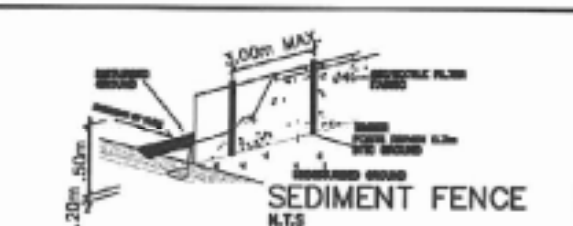


MINE SUBSIDENCE BOARD
 Development/Building Application
 This approval is valid for two (2) years from today and includes any condition of approval attached.

21 DEC 2012

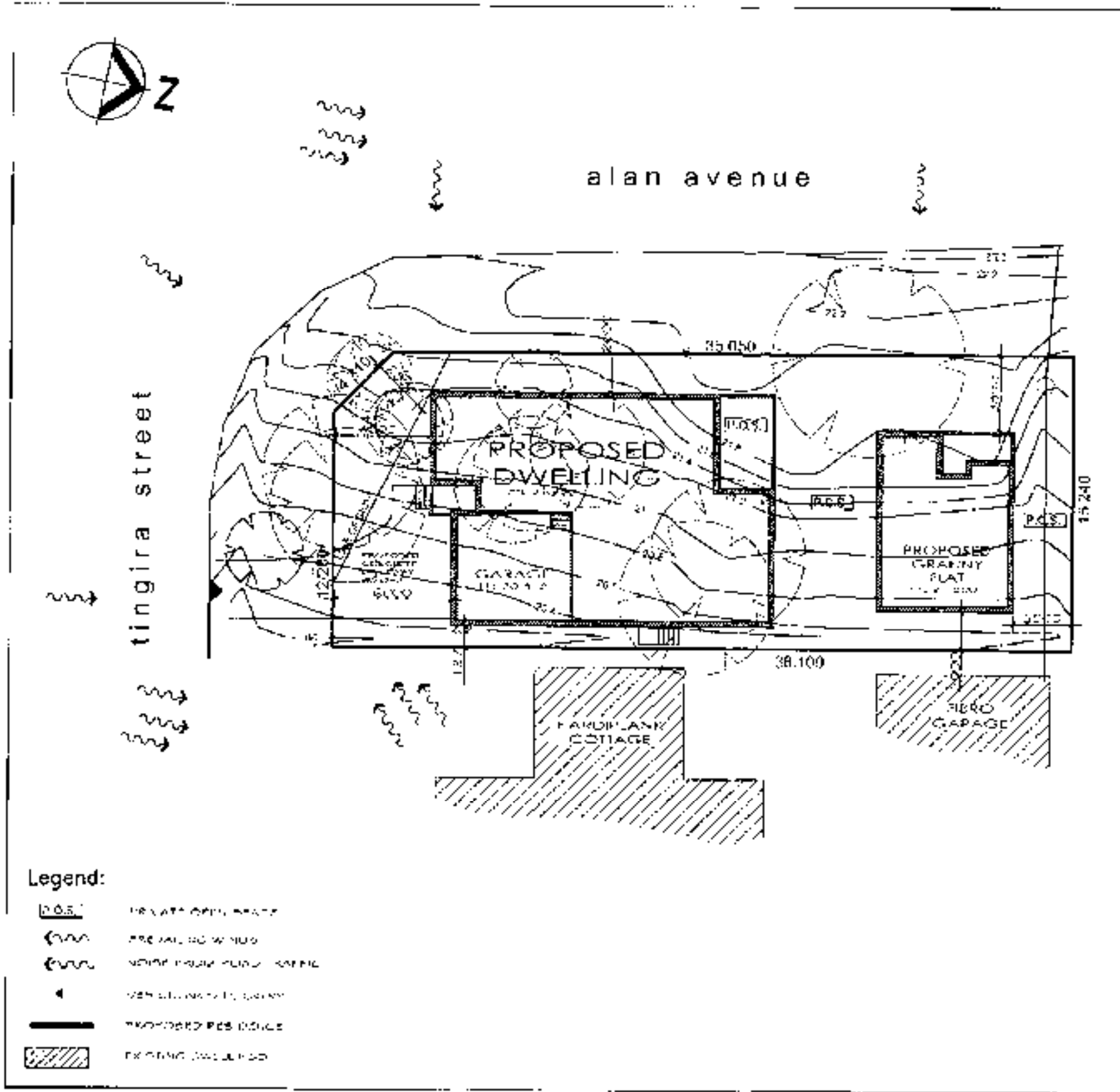
The approval is subject to levels & heights shown on plan being accurate & footings designed to comply with AS2870.1 or relevant Australian Standards. For Mine Subsidence Board.

SITE CALCULATIONS	
SITE AREA	576.20m ²
SITE COVERAGE	53%
LANDSCAPE AREA	47%
PRIVATE OPEN SPACE	37%



- SEDIMENT CONTROL NOTES**
1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
 2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
 3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE X 300mm DEEP TRENCH.
 4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 80% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
 5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
 6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.
 7. FILTER SHALL BE CONSTRUCTED BY STRICTLYING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 100mm ALONG ITS LOWER EDGE.

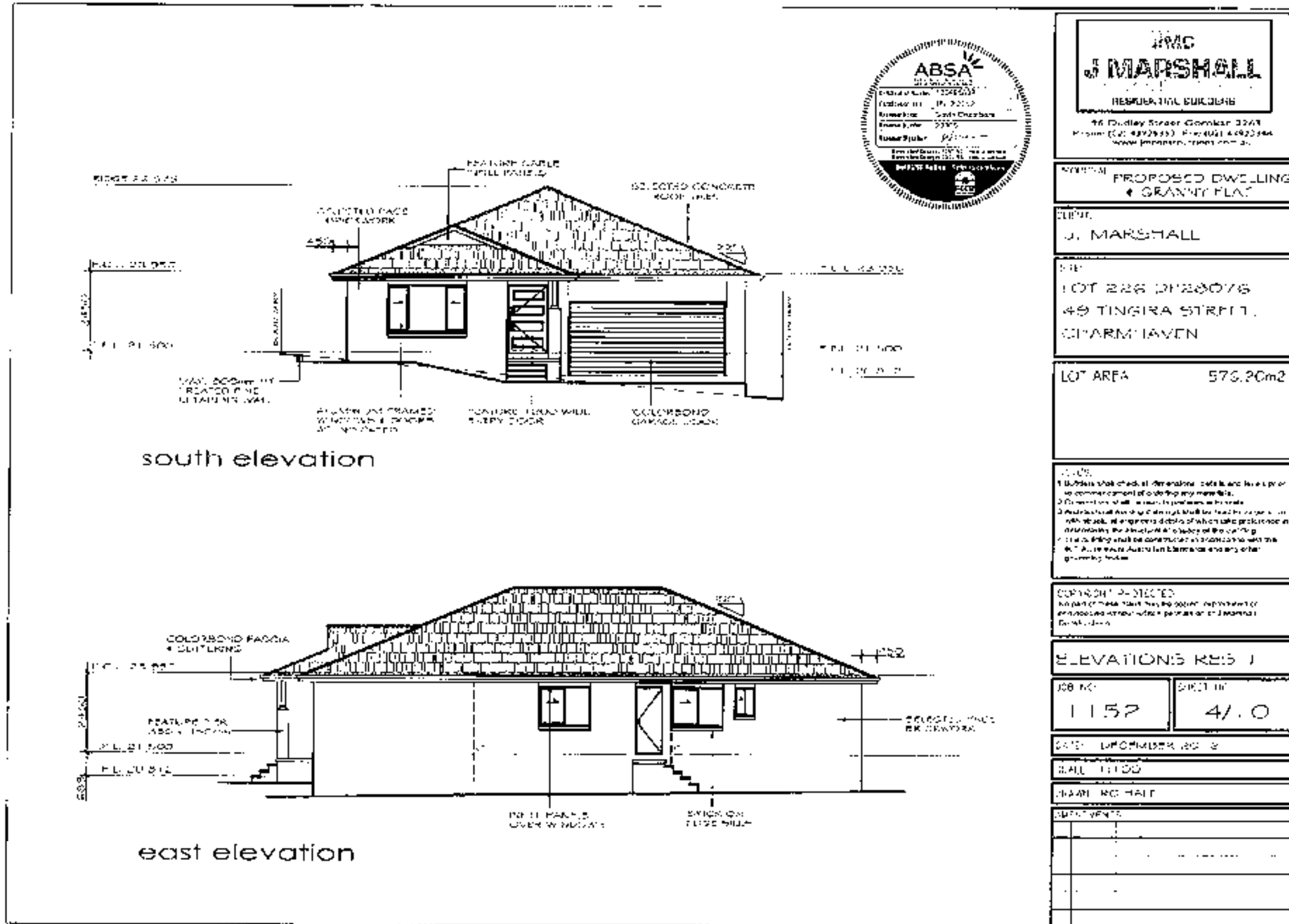
- Legend:**
- PROPOSED DWELLING
 - - - SILTATION CONTROL TRENCH & FENCE
 - PVC STORMWATER PIPE



Legend:

- P.O.S. PROPOSED OPEN SPACE
- PREVALENT WINDS
- NOISE FROM ROAD TRAFFIC
- VENTILATION TO GARAGE
- PROPOSED RES. BOUNDARY
- EXISTING DWELLING

<p>J. MARSHALL RESIDENTIAL BUILDERS</p> <p>74 Dudley Street, Geelong 3220 Phone: (03) 4222555 Fax: (03) 4222194 www.jmarshallbuilders.com.au</p>	
PROPOSED: PROPOSED DWELLING & GRANNY FLAT	
J. MARSHALL	
LOT 226 DEP8076 49 TINGIRA STREET, CHARMBAVEN	
GFA AREA	576.20m ²
<p><small>NOTES:</small></p> <p>1. Builders shall check all foundation depths and a full plot to ensure adequate anchoring of any structure.</p> <p>2. Dimensions shall be read in preference to scale.</p> <p>3. Foundations shall be constructed in accordance with the relevant standards of the relevant authority.</p> <p>4. All foundations shall be constructed in accordance with the relevant standards of the relevant authority.</p> <p>5. All foundations shall be constructed in accordance with the relevant standards of the relevant authority.</p>	
<p><small>NOTES:</small></p> <p>1. The site is to be used for the proposed development.</p> <p>2. The site is to be used for the proposed development.</p> <p>3. The site is to be used for the proposed development.</p>	
SITE ANALYSIS	
JOB NO: 1152	SHEET NO: 2/10
DATE: DECEMBER 2012	
SCALE: 1:200	
DRAWN: R. MARSHALL	
COMMENTS:	
_____ _____ _____ _____ _____	



north elevation

west elevation

JMG
J MARSHALL
ARCHITECTS
175 DENYAL BUILDERS

76 Dudley Street, Grafton, NSW 2460
Phone: (02) 4725 2241 Fax: (02) 4725 2247
www.jmarshallarchitects.com.au

PROPOSAL PROPOSED DWELLING
- GRANTY FLAT

CLIENT
J. MARSHALL

SITE
LOT 226 DP28076
49 TINGIRA STREET,
CHARMHAVEN

LOT AREA 576.20m²

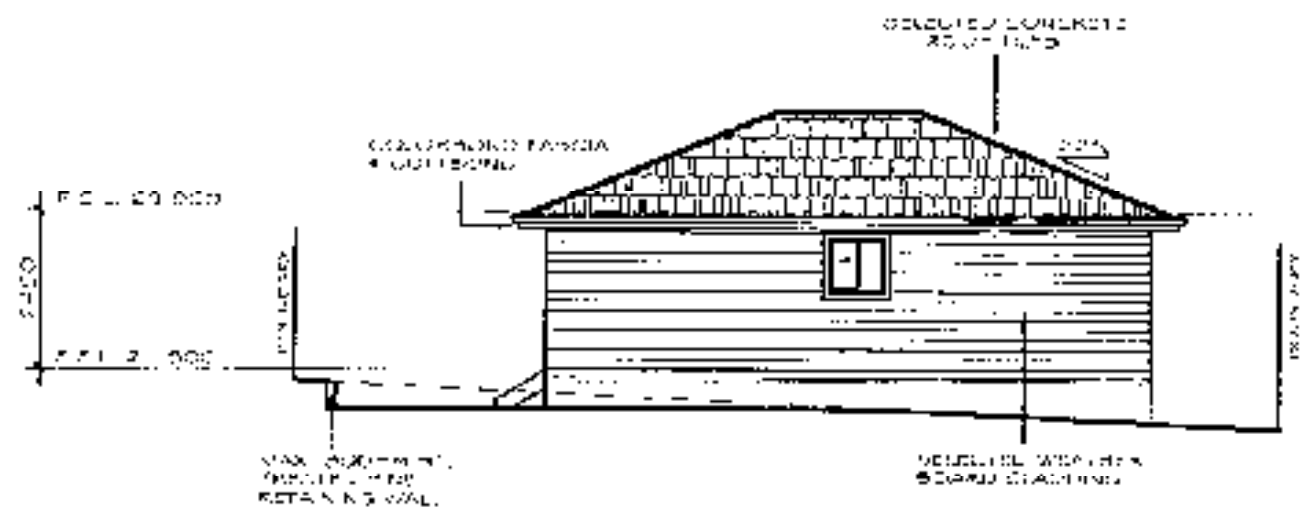
NOTES
1. The owner shall be responsible for all costs and fees in connection with the development of this project.
2. The owner shall be responsible for all costs and fees in connection with the development of this project.
3. All work shall be done in accordance with the relevant codes of practice and standards.
4. The building shall be constructed in accordance with the relevant codes of practice and standards.

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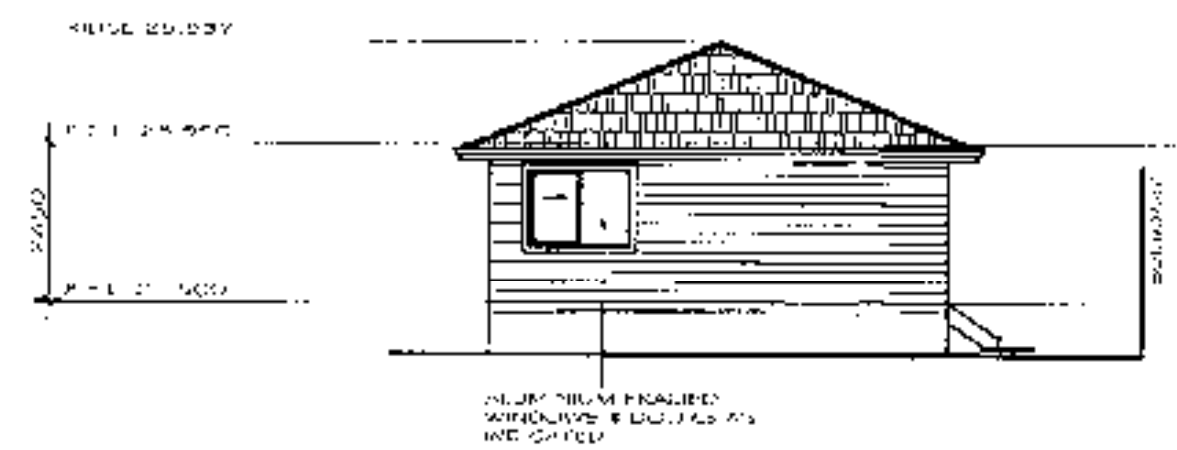
ELEVATIONS R/S 2

JOB NO 1152	SHEET NO 5/10
DATE DECEMBER 2012	
SCALE 1:50	
DESIGNER J. MARSHALL	
APPROVED BY	





south elevation



east elevation



I. MARSHALL
RESIDENTIAL BUILDERS

76 Dudley Street, Waverley, Joburg
Phone: (011) 424 3333 Fax: (011) 424 3344
www.marshallbuilders.com.au

PROPOSED DWELLING & GRANNY FLAT

I. MARSHALL

LOT 226 DP28076
49 TINGIRA STREET,
CHARMHAVEN

LOT AREA 570.20m²

NOTES:
1. All dimensions are in millimeters unless otherwise stated.
2. Dimensions shall be read in preference to scale.
3. All work shall be in accordance with the relevant standards of the SABS.
4. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

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ELEVATIONS: FLAT 1

PLAN NO.	SHEET NO.
1152	8/10

DATE: 2008/06/04

SCALE: 1:100

DRAWN: I. MARSHALL

REVISIONS:

NO.	DESCRIPTION



J. MARSHALL
 RESIDENTIAL DESIGNER
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 Phone: (03) 47925553 Fax: (03) 47921144
 www.jmarshall-design.com.au

PROPOSAL PROPOSED DWELLING & SCANNY FLAT

CLIENT J. MARSHALL

LOT 226 DP20076
 49 YINGKA STREET,
 CHARMHAVEN

LOT AREA 576.20m²

NOTES
 1. Builders shall check all dimensions, levels and levels prior to site to ensure full compliance with all relevant codes.
 2. Dimensions shall be read in correct order to suit.
 3. All materials and workmanship shall be in accordance with the relevant Australian Standards and specifications.
 4. The building shall be constructed in accordance with the BCA, relevant Australian Standards and any other governing bodies.

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ELEVATIONS FLAT 2

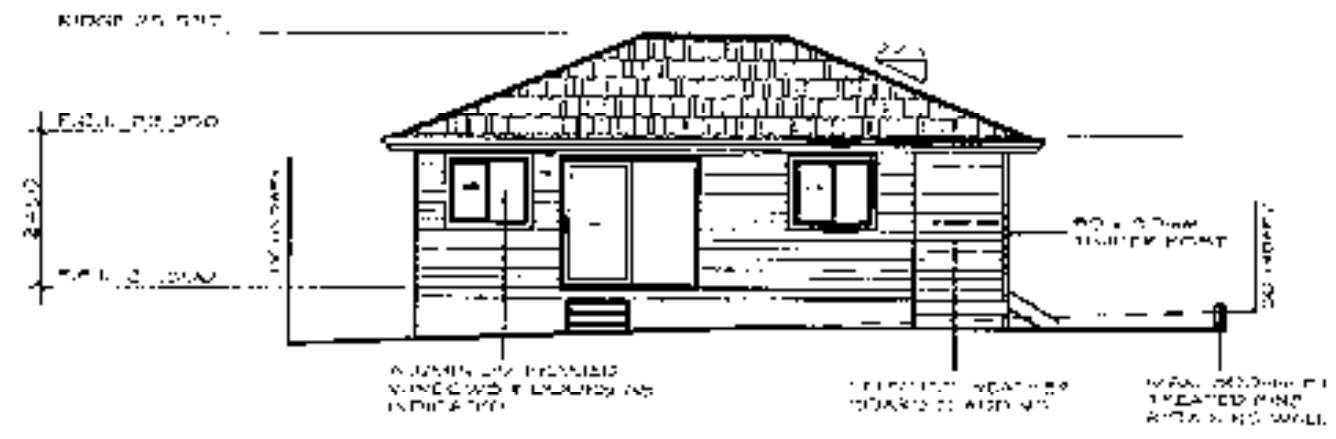
EXTENT 1152 SHEET NO 9/10

DATE: DECEMBER 2012

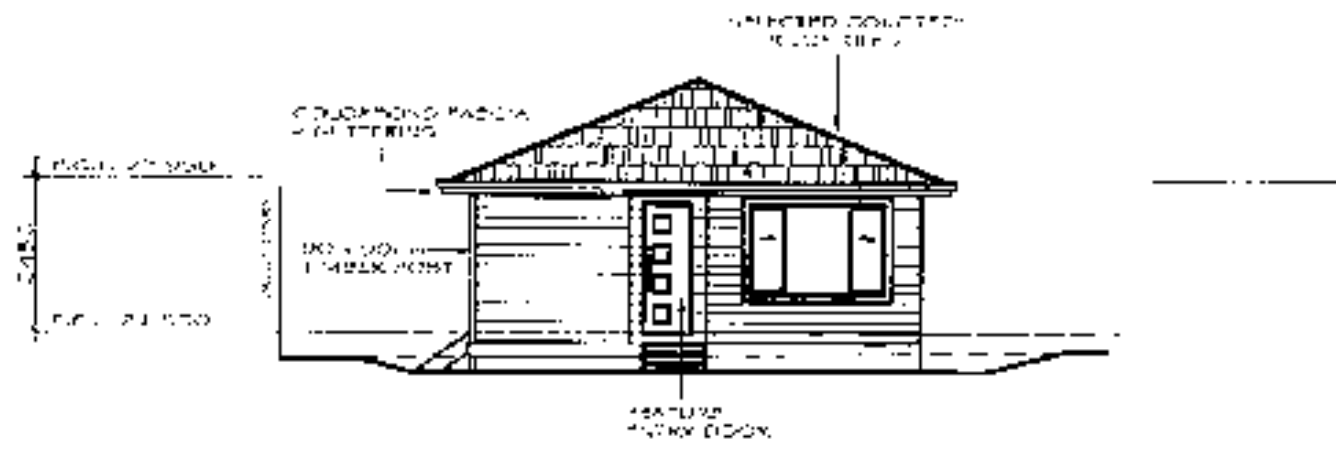
SCALE: 1:50

DESIGN: JC MARSHALL

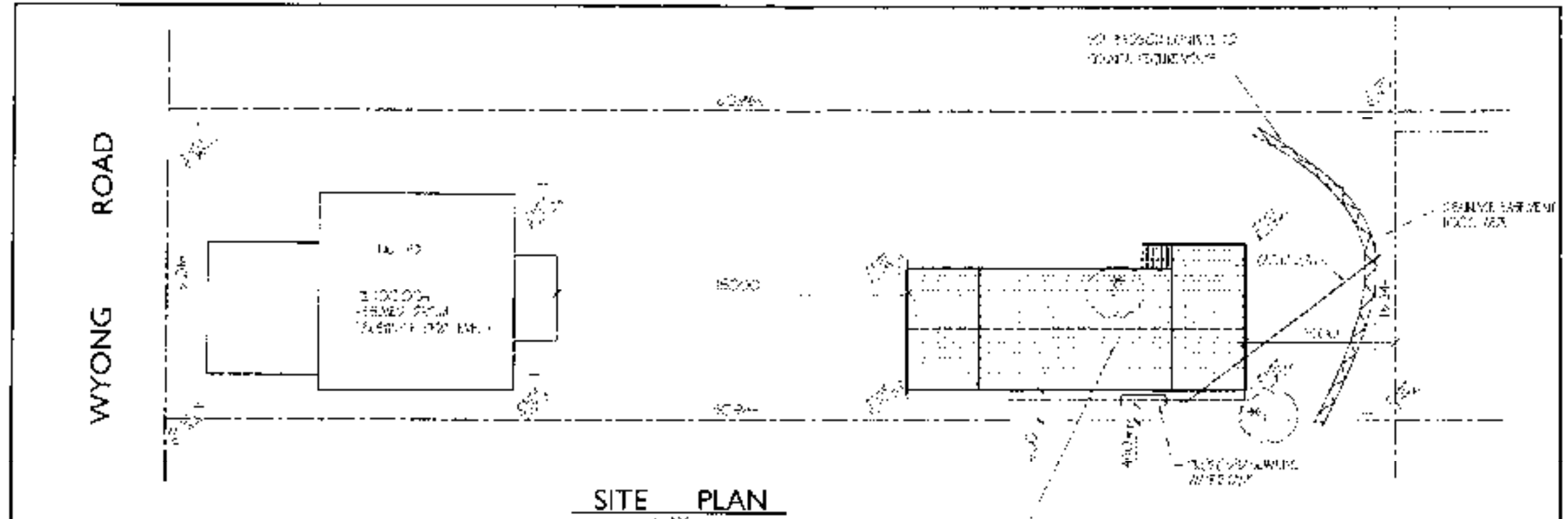
NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE



north elevation



west elevation



SITE PLAN

1:200

STATEMENT OF ENVIRONMENTAL EFFECT

19 ADDITIONAL DEVELOPMENT AREA WILL BE DEVELOPED
 NO OTHER WILL BE REQUIRED
 2 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 3 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 4 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 5 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 6 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 7 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 8 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 9 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION
 10 IMPROVEMENTS WILL BE REQUIRED BY CONSTRUCTION

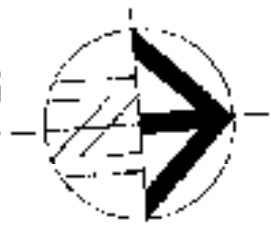
CHARACTER STATEMENT

THE CHARACTER OF THE BUILDING AREA WILL BE MAINTAINED

NOTES

1. ALL STORMWATER TO BE COLLECTED IN SANITATED PERFORATED OVERFLOW TO STREET
2. THE SITE SHALL BE GRASSED AND MAINTAINED
3. REFER TO DRAWING FOR SECTIONAL DETAILS
4. REFER TO DRAWING FOR SECTIONAL DETAILS
5. REFER TO DRAWING FOR SECTIONAL DETAILS
6. REFER TO DRAWING FOR SECTIONAL DETAILS

PROPOSED SECONDARY DWELLING

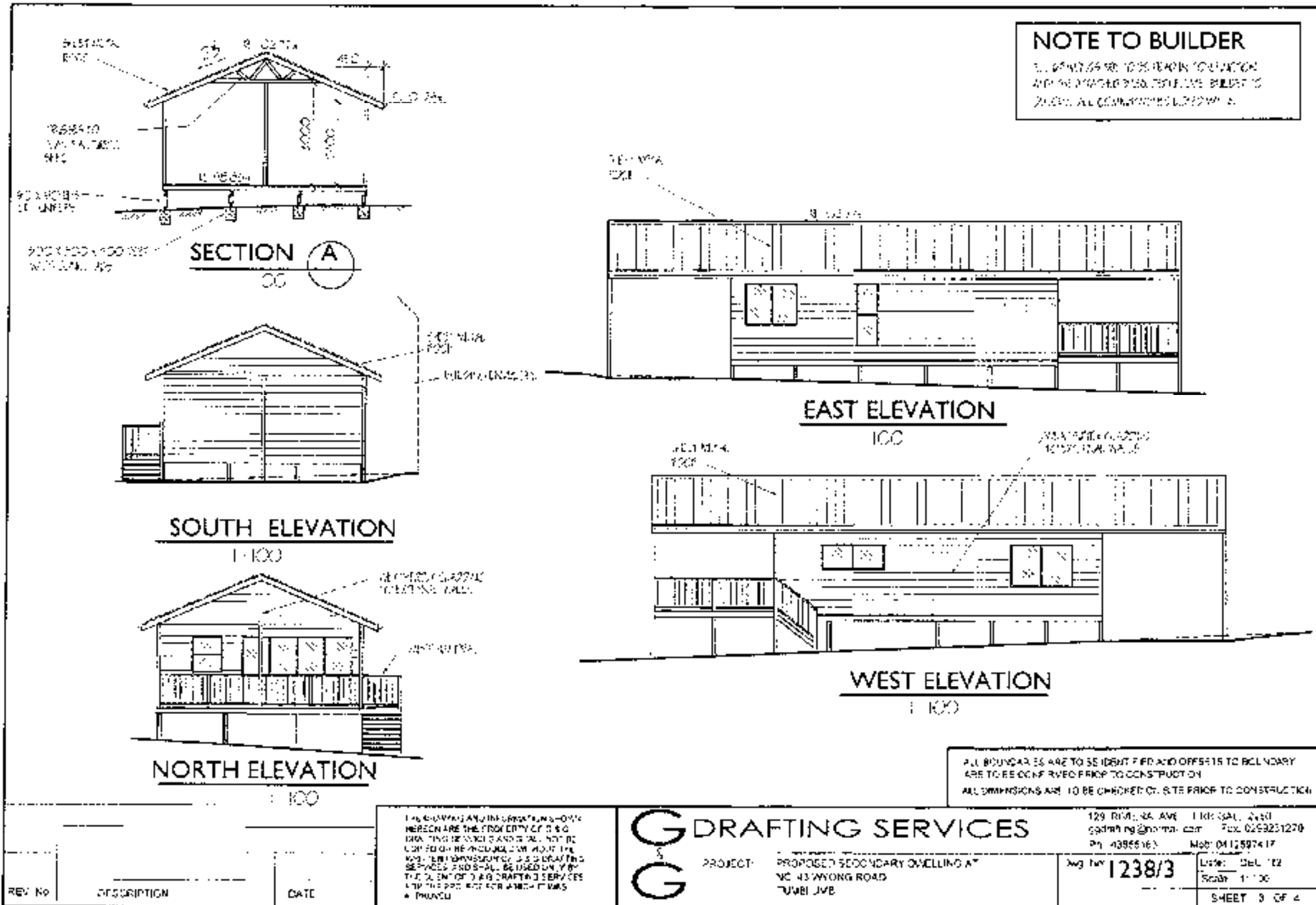


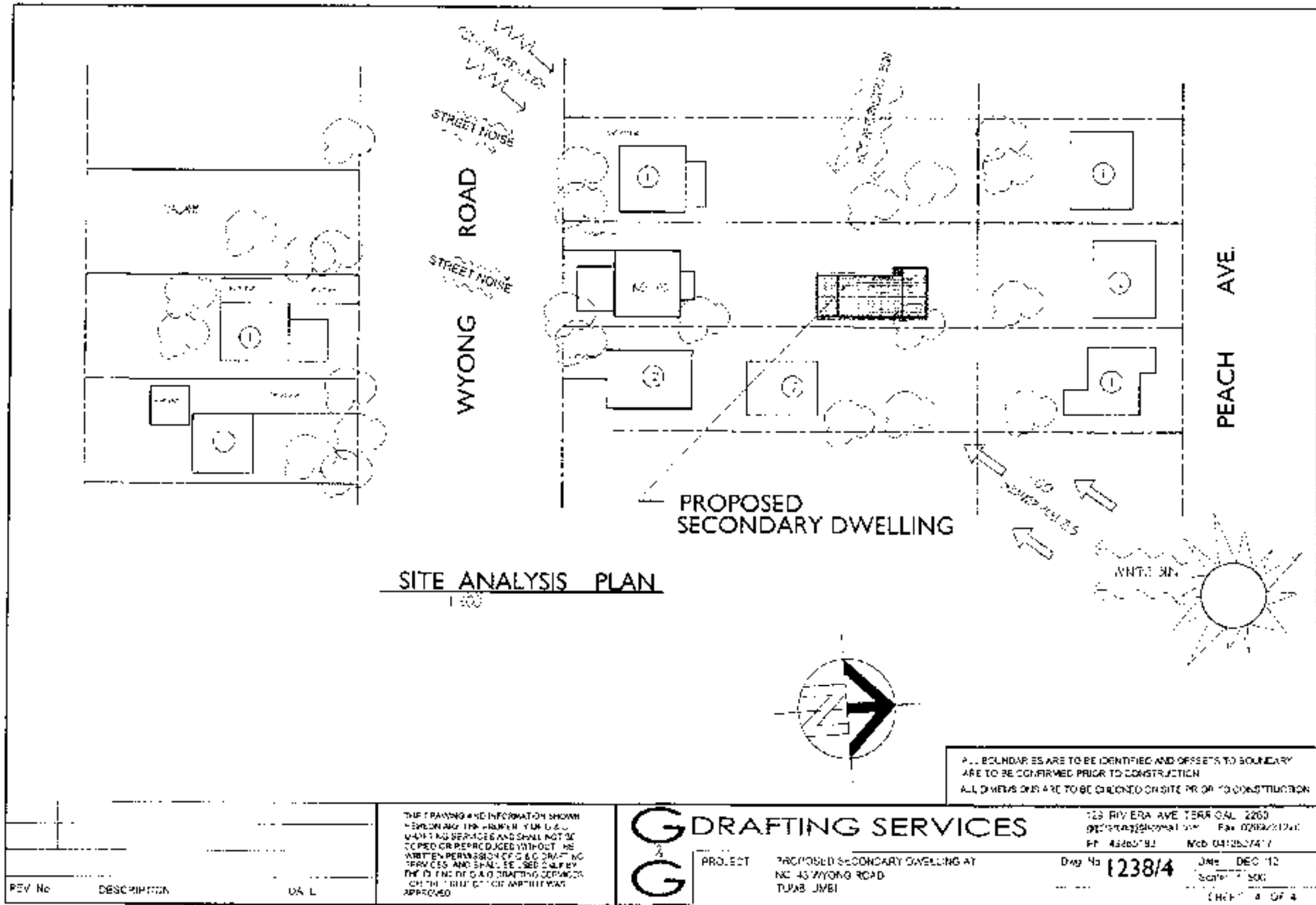
AREAS

PROPOSED SECONDARY DWELLING	57.54m ²
DECK	28.0m ²
CARPORT (PROPOSED)	19.0m ²
EXISTING CARPORT	28.0m ²
EXISTING HOUSE	65.12m ²
SITE AREA	928.03m ²
DEVELOPED AREA RATIO	1:1.42

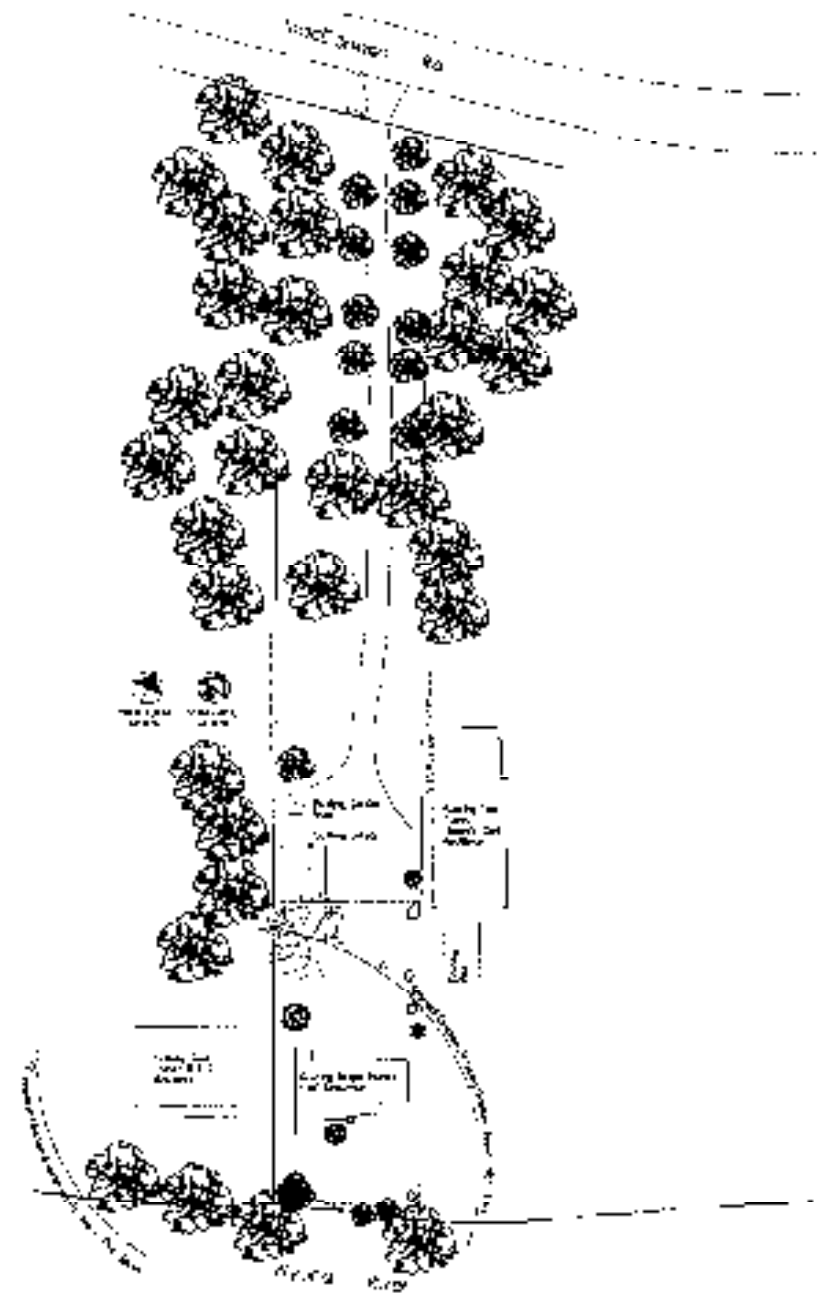
ALL BOUNDARIES ARE TO BE IDENTIFIED AND CHECKED TO PRIMARY PRE TO BE CONFORMING PRIOR TO CONSTRUCTION
 ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION

REV No	DESCRIPTION	DATE	<p>THIS DRAWING AND INFORMATION SHOWN HEREON ARE THE PROPERTY OF G & G DRAFTING SERVICES AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF G & G DRAFTING SERVICES AND SHALL BE USED ONLY BY THE CLIENT FOR THE PROJECT FOR WHICH IT WAS ASSIGNED</p>	<p>G & G DRAFTING SERVICES</p>	<p>179 RIVIERA AVE TERRIGAL 2260 ggdrafting@optusnet.com.au Fax 0299231270 P: 43355163 Mob 341056741</p>
					<p>PROJECT: PROPOSED SECONDARY DWELLING AT NO. 43 WYONG ROAD TUMBY BAY</p>
			SHEET - OF 4		

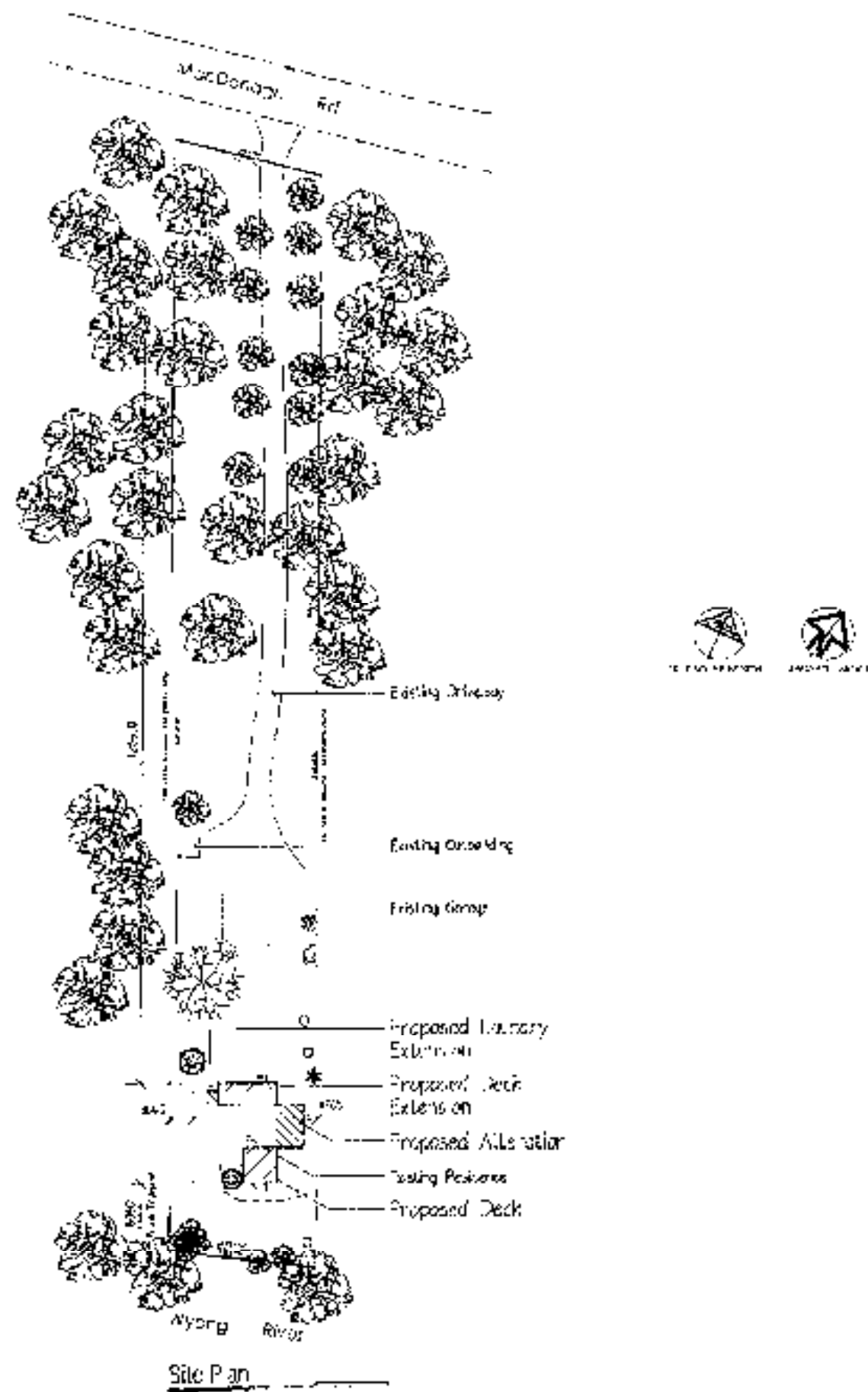


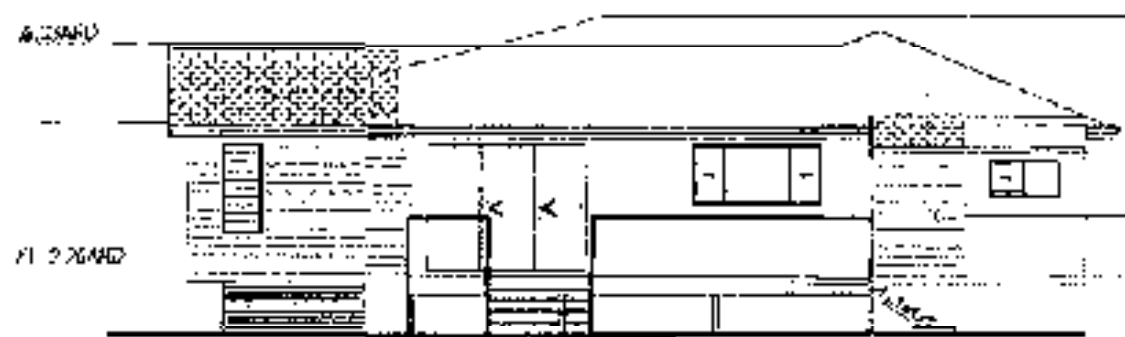


APPENDIX A



SITE ANALYSIS DRAWING



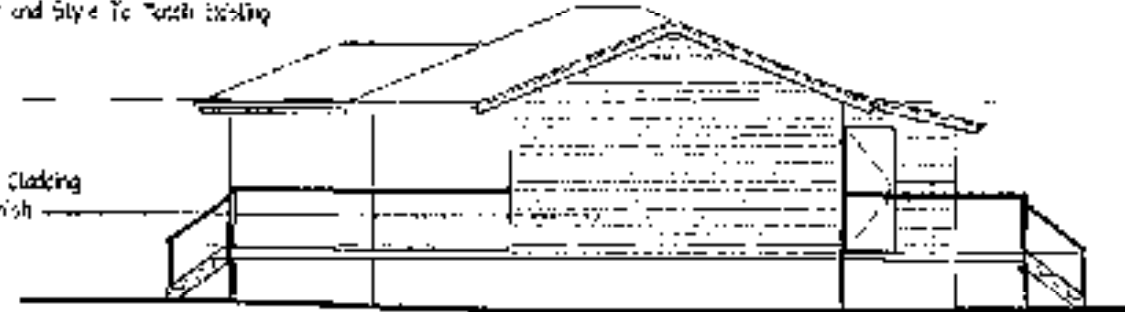


North West Elevation

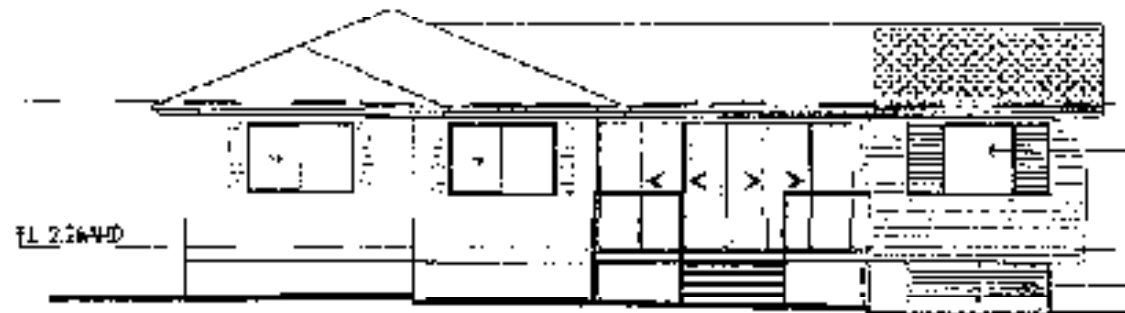
Provide Conc. Roof Tiles laid on Heavy Gable Sarking in Colour and Style To Match Existing

Provide Selected Cladding with Selected Finish

Note - Whole Building is to be Re-Clad, Only New or Altered Areas have been Hatched to Highlight the Changes.



North East Elevation



South East Elevation

Provide Aluminium Frame Windows and Doors in Selected Colour and Style

Provide Timber Gates To Lounge Side-Front Area

Note - All Existing Windows are To be Removed and Replaced With New.



South West Elevation

Project Address
 Lot 37 Sect 33
 DP 4526
 11 No. 73 MacDonagh Rd.
 Wyong



Premier & Cabinet
Division of Local Government

The Model Code of Conduct for Local Councils in NSW



March 2013

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Premier & Cabinet
Division of Local Government

www.dlg.nsw.gov.au

The Model Code of Conduct for Local Councils in NSW – March 2013

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors

conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (section 442)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.